2002/0055878, hereinafter, Burton).

Claims 5, and 11-12 have been rejected under 35 U.S.C. 103(a) over Cirulli-Burton in view of Arledge et al. (U.S. patent 6,535,294, hereinafter Arledge).

Claim 6 has been rejected under 35 U.S.C. 103(a) over Cirulli - Burton - Arledge, and further in view of Schweitzer et al (U.S. patent 6,418,467, hereinafter Schweitzer).

Claim 7 has ben rejected under 35 U.S.C. 103(a) over Cirulli - Burton - Arledge -Schweitzer, and further in view of Callanan et al. (U.S. patent 6,185,545, first named inventor is Resnick, hereinafter Callanan).

The primary reference, cited with respect to all claims, is Cirulli.

Applicants traverse the rejections of all claims insofar as the rejection of each claim in the case is based primarily on the Cirulli patent application publication.

The Cirulli application S/N 09/815,312 was filed 22 Mar 2001, the same day as the present application S/N 09/815,318, and thus is not prior art under the statute [35 U.S.C. 102(e)]. Nor is it prior art under 102(g), there having been no interference proceeding involving these

END920000166US1   2   S/N 09/815,318

applications.

Each application (Cirulli and the present application) are assigned to the same assignee, and reference each other. [See Cirulli, paragraphs 0001 and 0011; and page 1, lines 5-9, and page 3, lines 16-18 of the present application, as amended in the prior amendment in the present application, filed 5 Aug 2005, at page 4, line 18 to page 5, line 2.]

Furthermore, Cirulli is not prior art under 35 U.S.C. 102, 103 pursuant to 35 U.S.C. 103(c)(1), which states:

"(c)(1) Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person." [35 U.S.C. 103(c)(1).]

The only basis under 35 U.S.C. 102 on which the Examiner could cite Cirulli in the 35 U.S.C. 103 rejection is it is prior art under 35 U.S.C. 102(f), which states:

"(e) he did not himself invent the subject matter sought to be patented..." [35 U.S.C. 102(f).]

END920000166US1   3   S/N 09/815,318

Cirulli does not qualify as prior art under 35 U.S.C. 102(e) and 103(c)(1) because it is subject to an obligation of assignment to the same person (the International Business Machines Corporation) at the time of the invention of the present application.

(Further, Cirulli was published 26 Sep 2002, well after the filing date of the present application on 22 Mar 2001, and is, therefore, not available as a publication under 35 U.S.C. 102(b)).

With Cirulli removed from the combination of references upon which the rejections under 35 U.S.C. 103 are asserted, the remaining references fail to teach applicant's claimed invention.

Burton describes an on-line ordering system set up for a single client, allowing the client to order from multiple suppliers, and generate group orders, using geographic information in searches. However, there is teaching of applicant's claimed company groups. Applicant's invention relates to a grouping of clients based on their business practices, not a grouping of suppliers based on built-in supplier relationships.

With respect to Arledge, the Examiner cites Arledge as teaching that a country and state locations in which a particular franchise retail company exists suggest Applicants' "company group", by stating "a company belongs

END920000166US1   4   S/N 09/815,318

to company group." [Office action, page 6.] Arledge does describe multiple clients using a web interface to connect to a single wholesaler to order printouts. It is apparent that a client needs to let the wholesaler know its zipcode and state in order to send the printouts to the proper location. However, this does not teach applicant's claims which provide for multiple clients having their profiles loaded from multiple HR systems in order to gain information about their employees via an employee profile [for example, claim 5]. Further, Arledge does not teach that each of a plurality of distinct company groups include a group of companies which use the same accounting codes and procedures, with accounting codes and procedures that vary between company groups.

Schweitzer addresses the problem of how to bill for an account for Internet services based on actual usage instead of a flat monthly rate. This is not the same as applicant's chart of accounts, which is loaded for a client based on the business process of each company group. When an item is placed on order, the business rules are invoked in thebackground to determine which account is charged. Part of this processing involves accessing HR data of the person/company placing an order. Applicant's invention provides for companies to be placed in company group, which then cuts down on the customization costs.

Callanan relates to frame relay networks, and does not teach to applicant's company groups as defined in the

BND920000166US1   5   S/N 09/815,318